

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
October 24, 2007

PRESENT: Mayor Reed, Vice Mayor Cortese and Councilmembers Constant and Chirco

ABSENT:

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, Director of Administration of Parking Abi Maghamfar, Deputy City Manager Deanna Santana, Agenda Manager Nadine Nader, and Mayor Council Agenda Manager Alicia Bosco.

A. City Council

1. Review October 30, 2007 Final Agenda

Action: The Committee approved the following additions to the October 30, 2007 Final Agenda:

- Presentation of commendation to the Santa Clara University Solar Decathlon Team. (Mayor)
- Item 3.5 (Legislative Priorities by Senator Elaine Alquist) moved to November 6, 2007 and to be heard first in the evening. (Mayor)

2. Review of November 6, 2007 Draft Agenda

Action: The Committee approved the following additions to the November 6, 2007 Draft Agenda:

- Request for excused absences for Councilmember Constant. (Constant)
- Item 1.2 and Item 1.3 (Presentation of commendation to District 9 Stars) combined into one item. (Chirco)
- Item 1.6 (Presentation of commendation in honor of San José Peace Center's 50th Anniversary) deferred until November 20, 2007. (Liccardo)

B. Redevelopment Agency

1. Review October 30, 2007 Final Agenda

No Items – Recommend Cancellation

Action: The Committee approved canceling the meeting.

2. Review November 6, 2007 Draft Agenda

Action: The Committee approved the November 6, 2007 Redevelopment Agency Draft Agenda.

3. Assign “Time Certain” for convening Redevelopment Agency Agenda

C. Legislative Update

1. State

a. Governor’s End of Session Actions

Action: The Committee approved this item.

b. City Sponsored Legislation for the Second year of the Two-Year Session

Document Filed: Memorandum from Director of Intergovernmental Relations of Betsy Shotwell dated October 18, 2007 recommending acceptance of the staff report describing criteria and time frame for the introduction of City sponsored legislation.

Action: The Committee accepted the staff report.

2. Federal

None.

D. Meeting Schedules

1. Approve time change for the December 11, 2007 Study Session on Inclusionary Housing

Action: The Committee approved the time change.

E. The Public Record

None.

F. Appointments to Boards, Commissions and Committees

Document Filed: Memorandum from City Clerk Lee Price dated October 18, 2007 recommending extending Vice Chair Sharon Hightower’s term on the Civil Service Commission for one year, expiring on December 1, 2008.

Action: The Committee approved extending Vice Chair Sharon Hightower’s term on the Civil Service Commission for one year.

G. Rules Committee Reviews, Recommendations and Approvals

1. Recommend staff to utilize the Public Art Core Process for Artist Selection and Design Review to explore a Public Safety Memorial for the Plaza of City Hall.

DEFERRED FROM SEPTEMBER 26, 2007

Document Filed: Joint memorandum from Economic Development Paul Krutko and General Services Director Peter Jensen dated October 19, 2007 recommending that staff be directed to utilize the Public Art Core Process for Artist Selection and Design Review to explore a Public Safety Memorial for the Plaza of City Hall.

Action: The Committee approved this item.

2. Approve “Mini-Grant” form for Mayor/Council Office Grants or Contributions \$500 or less.

Document Filed: Memorandum from City Clerk Lee Price dated October 18, 2007 recommending the “Mini-Grant” form for Council Office grants or contributions of \$500 or less to certain non-profits.

Action: The Committee approved the “Mini-Grant” form.

3. Consider San José Public Library Internet Access and Computer Use Proposal.

Documents Filed: Memorandum from Councilmember Pete Constant dated October 18, 2007 recommending that the Rules Committee direct staff to agendize a discussion and direction to the City Manager regarding Internet use at San José Public Libraries and that the Rules Committee forward a proposed policy for ensuring safe and child-sensitive Internet use at public libraries.

Councilmember Constant spoke in support of his proposal that the Council discuss a broad policy of filtering Internet access at public libraries. City Manager Debra Figone suggested that this come back to the Rules Committee in three weeks to allow staff time to address areas of study, policy framework, public considerations and outreach, scope of study, and timeframe. City Attorney Rick Doyle added that he will be working with staff to look at First Amendment and other legal issues. City Librarian Jane Light stated that Library staff would need time to research answers to possible questions the Council may ask.

Public Comment: Marty Bettsworth, Claudette Averil, Jan Soule, and Carmen and Coulter Degnan spoke in favor of adding Internet filters to computers at public libraries.

Eric Larsen, President of AFSCME, suggested the Council approach this proposal with caution.

Action: As recommended by the City Manager, the Committee agreed to come back in three weeks to discuss Internet use at San José Public Libraries and have staff report back on legal issues, costs, loss of funding/grants, and a timeline for possible implementation.

H. Review of additions to Council Committee Agendas

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**

None.

3. Transportation and Environment Committee

- **Add the entitled update “Discussion on Long Term Ownership and Operation of South Bay Water Recycling” on the November 5, 2007 agenda.**

Document Filed: Memorandum from Environmental Services Director John Stufflebean dated October 19, 2007 recommending approval to add an update and discussion on long term ownership and operation of South Bay Water Recycling on the November 5, 2007, Transportation and Environment Committee agenda.

Action: The Committee approved the recommendation.

4. Request for Transportation and Environment Committee Workplan

None.

I. Open Government Initiatives

- 1. Reed Reforms**
- 2. Sunshine Reform Task Force**

- **Review of remaining provisions of Sunshine Reform Task Force Phase I Report and Recommendations.**

Documents Filed: Memorandum from Director of Communications Tom Manheim dated October 18, 2007 requesting the Committee review and make recommendations to the City Council on the remaining provisions of the Sunshine Reform Task Force’s Phase I Report and Recommendations.

The Committee agreed to begin reviewing entities or categories of entities, their current practice, the impact of the SRTF recommendations on the entities, and their recommendations. The Committee will consider the entities in the following groupings: a) City Council and Redevelopment Agency; b) Council Committees; c) Decision-Making Boards and Commission; d) Advisory Boards and Commissions; e) Non-Governmental Bodies.

Communications Director Tom Manheim summarized remaining recommendations in the Phase I Report. City Clerk Lee Price described current practices as it relates to distributing and posting City Council agendas, synopses and minutes. RDA Assistant Director Gary Miskimon reviewed the same for RDA meetings.

Public Comment: Virginia Holtz suggested making agenda back-up documents viewable online.

Action: The Committee made the following recommendations: a) Agenda and staff reports must be posted/distributed 10 days in advance; exceptions to the 10-day deadline may be requested from the Rules Committee as long as the agenda item is posted within the timeline required by the Brown Act; b) For public subsidies of \$1 M or more, an informational memo or other first notice must be posted/distributed 28 days in advance and staff reports must be posted/distributed 14 days in advance; c) Staff reports for expenditures of \$1M or more must be noticed for 14 days; exceptions to the 14-day deadline may be requested from the Rules Committee as long as agenda item is posted within the timeline required by the Brown Act; d) Supplemental staff report may be submitted at any time as long as the report is informational and does not change the staff recommendations (no specific # of days in advance required.); e) Council memos with multiple signatures must be submitted 4 calendar days prior to a meeting; f) Council memos from a single Councilmember may be submitted at any time; memos submitted less than 4 days prior to a meeting are discouraged.

3. Significant Public Records Act Requests

4. Council Policy Manual Update

None.

J. Open Forum

None.

K. Adjournment

The meeting was adjourned at 4:10 p.m.

Chuck Reed, Mayor